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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) CR No. 09-0627 EMC
14 Plaintiff,)
15 v.) STIPULATION AND
16 KELLY DARLING,) ORDER CONTINUING HEARING DATE
17 Defendant.) AND EXCLUDING TIME
18 _____)

19 On December 16, 2010, the parties in this case appeared before the Honorable Edward M.
20 Chen for a status meeting. Defense counsel stated that she would file a motion to dismiss. The
21 Court set a briefing schedule in the matter and set argument on February 2, 2011. At that time,
22 the parties agreed to an exclusion of time under the Speedy Trial Act from December 16, 2010 to
23 February 2, 2011.

24 The defendant filed her motion on December 23, 2010. The Government conferred with
25 defense counsel and discussed a possible disposition of the case with defense counsel. The
26 defendant subsequently informed the Government that she would like to proceed with the
27 motion. Accordingly, the Government and the defendant stipulate that the hearing be continued
28 for a period of one week to February 9, 2011 at 3:00 p.m. before the Court. The Government

1 will file its opposition on February 2, 2011 and the defendant will file her reply on February 7,
2 2011.

3 The parties further stipulated that, as per the Speedy Trial Act, time should be excluded from
4 February 2, 2011 to February 9, 2011. The parties represent that granting the continuance is
5 necessary, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A) and
6 (B)(iv). The parties also agree that the ends of justice served by granting such a continuance
7 outweighed the best interests of the public and of the defendants in a speedy trial. See 18 U.S.C.
8 § 3161(h)(8)(A).

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11 IT IS SO STIPULATED:

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MELINDA HAAG
United States Attorney

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DATED: 1/28/11

/s/
ACADIA L. SENESE
Special Assistant United States Attorney

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DATED: 1/28/11

/s/
SHAWN HALBERT
Attorney for Ms. Darling

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IT IS HEREBY ORDERED that the hearing is continued until February 9, 2011 and that
time is excluded under the Speedy Trial Act from February 2, 2011 to February 9, 2011, under 18
U.S.C. § 3161(h)(8)(A) and 18 U.S.C. § 3161(h)(8)(B)(iv).

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IT IS SO ORDERED.

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DATED: 1/31/11

